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## Appeal Decision

Site visit made on 29 June 2016

by **Andy Harwood CMS MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 July 2016

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**Appeal Ref: APP/R3325/W/16/3144731**

**Long Hazel Park, High Street, Sparkford, Yeovil BA22 7JH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs A Walton against the decision of South Somerset District Council.
  - The application Ref 15/01632/COU, dated 13 April 2015, was refused by notice dated 2 October 2015.
  - The development proposed is the use of land for the siting of 21 permanently occupied residential mobile homes.
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### Decision

1. The appeal is allowed and planning permission is granted for the use of land for the siting of 21 permanently occupied residential mobile homes at Long Hazel Park, High Street, Sparkford, Yeovil BA22 7JH in accordance with the terms of the application, Ref 15/01632/COU, dated 13 April 2015, subject to the conditions set out in the attached Schedule to this decision.

### Application for costs

2. An application for costs was made by Mr and Mrs Walton against South Somerset District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The appellant has submitted a unilateral undertaking (UU) under the provisions of section 106 of the act. This obliges the appellant to provide financial contributions towards the maintenance and provision of community infrastructure as well as preventing ownership or occupancy of any mobile home by people under fifty years of age. I discuss the obligations below and reach a conclusion on whether the individual commitments meet the tests within the Community Infrastructure Regulations 2010 (CIL tests) and policy tests within the National Planning Policy Framework (NPPF).
  4. I am also told that there is an existing section 106 planning obligation on the land which has the effect that none of the land can be sold off separately. I have not been provided with a copy of this and its presence as a deed on the land has no weight in my decision.
  5. The planning application was made on the basis of it being a change of use of the land albeit that it is already in use residentially for holiday purposes. This
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appeal does not relate to any conditions imposed on any previous planning permissions for the site.

### **Main Issues**

6. The main issues are:

- Whether this is an appropriate location for the change of use proposed, having regard to local policies concerning the location of new development, the characteristics of Sparkford and the services available within it;
- The effect of the development on the local economy; and
- Whether any harm arising from the development would be outweighed by other considerations, including the need for the homes proposed.

### **Reasons**

#### *Appropriate location*

7. Sparkford is a linear settlement that is stretched out alongside the A359 (High Street). There is no obvious core to the village with the services that exist being spread out within the built up area. The proposal is for 21 permanent units of accommodation within mobile homes. The site is presently a campsite with planning permission for 75 touring pitches and 16 permanent lodges. Homes for permanent occupation would be located mainly on land currently laid out for touring pitches but permanent use of 6 of the lodges approved for holiday use is also proposed.
8. There were 3 touring caravan pitches occupied at the time of my visit. The site includes neatly maintained grassed and landscaped areas between the gravelled surface of the access and pitches. The land with planning permission for the lodges is between the site and the bank leading up to the A303. There were 4 lodges in place along with the concrete bases for others when I visited.
9. Paragraph 5.41 of the South Somerset Local Plan (2006-2028), adopted March 2015 (LP) sets the context for policy SS2 which relates to development in rural settlements. The importance of occupiers of new homes in rural settlements being able to live as sustainably as possible by having access to basic facilities that provide for their day to day needs, is emphasised. Of the list of services Sparkford includes a pub which is close to the site, as well as a large cricket field and a village hall which are a short walk away. There is also a service area at the junction of the A303 that enables access to High Street. The service area can be reached easily on foot from the appeal site via pedestrian footways alongside the road and without any significant gradients. The service area offers a fast food restaurant, a convenience shop and fuel station.
10. The Council refers to the most recent previous appeal on this site for a similar proposal (ref APP/R3325/A/12/2175488) which was dismissed. I have not been provided with the evidence discussed in the hearing that took place in relation to that case or any other details of the proposal. I have considered my colleague's decision. That Planning Inspector considered that the site was not in a sustainable location and was concerned that the village does not contain medical facilities which are found at the Queen Camel medical centre. That is not a walkable distance from the site. Furthermore, there are no public service

outlets, entertainment facilities (other than the hall), major retail facilities or notable employment opportunities.

11. That appeal was prior to the adoption of the current LP. The previous appeal decision turned on the lack of compliance with policies that are no longer material to my decision. I give some weight to that decision and particularly my colleague's assessment of the sustainability credentials of the site.
12. I therefore have some concerns about the accessibility credentials of the site. However, since that time the Council has set out within LP policy SS2 and related paragraphs the context of what key services are necessary within rural settlements before housing development can be permitted. Sparkford contains at least three of those facilities and even though the A303 service area is aimed primarily at car borne customers it provides further key facilities. Other services such as a post office, primary school and doctors' surgery are just over a mile away according to the Council. There are also bus stops linking the site with other higher order settlements. Full time residents may rely upon the use of private vehicles to reach some essential services particularly medical facilities. However occupants of the development would not rely upon private vehicle use for access to a number of key services. In my view, the deficiencies are not significant.
13. In relation to the main issue, this is an appropriate location for the change of use proposed, having regard to local policies concerning the location of new development, the characteristics of Sparkford and the services available. The location therefore would not be harmful in environmental or social terms. This is a neutral factor in the overall planning balance.

#### *Economy*

14. The appellant refers to the existing holiday lodge business running at a loss. There are 12 vacant plots which has been the case for over 10 years. The Council is concerned that the proposal with the loss of the touring pitches would lead to the further marginalisation of the holiday accommodation at the site which would bring its long term future into question. According to the appellants the touring business has also struggled for a number of reasons including severe flood events nearby making the area less attractive generally but also because the park is not in a prime holiday location. The appellants refer to the site being a stopover location often used for a single night by holiday makers eventually destined for Devon and Cornwall. The number of touring stopover nights from April to December 2014 was 1,630 out of a potential number (75 pitches over a 273 day period) of 20,475.
15. The intention of the appellant is to sell the homes with each owner paying an annual pitch fee. These would be sold off plan and the income invested back into the holiday lodge business, enabling further lodges to be installed and thereby generating more income. It is hoped that in turn this would provide further income, possibly more than doubling it, and would also provide the ability to employ more people. The appellants' economic statement refers to the need for a gardener/handyman and two staff to valet and keep the 10 holiday units up and running all year. Other evidence indicates that the development would lead to as many as 6 new jobs (including part time staff). Other shorter term economic benefits from the proposal would include the use of local people for the initial construction and transportation of the homes as well as through patronage of nearby services.

16. The evidence submitted in this case appears to be subject to a degree of estimation and the figures have to be considered in that light. The Council's economic development officer has supported the proposal subject to the retention of the holiday lodges. Some things are not clear such as whether, given that the immediate area is not a prime holiday destination, the remaining holiday lodges would be attractive. I also agree with the Council that the possible future improvements to the A303 cannot be taken into account at this time as there is no certainty that they will take place or what difference they will make.
17. From what I could see the site is well maintained, has a pleasant setting surrounded by mature landscaping and generally has a welcoming feel. The sign at the entrance making it clear that it is not a family site may provide a limitation to the attractiveness of the site as suggested by the Council but it could just as easily attract those wishing to holiday in a child free environment. The hum of noise from the A303 is another factor that affects the site. This may impact upon the attractiveness of the holiday homes as well as on the current touring pitches. In order to secure reductions in noise exposure around the proposed full time residential homes, a new fence along with other measures are proposed as set out within the appellants' noise report. This is likely to bring about noise reduction for the holiday lodges as well, potentially making those more attractive to holiday makers.
18. The existing business enables the appellants to live within their bungalow on the site and provides them with a small income and employs an additional part time worker. However, the proposal would bring increased initial funds through sale of the homes and on-going income albeit to a difficult to define extent. The Council is unconvinced about the intentions of the appellants with respect to the on-going holiday lodge development. I cannot ensure through this decision that the economic benefits are achieved. It seems clear however that the existing business is not economically sustainable in the long term and that the proposal would improve the chances of it prospering.
19. In relation to this matter the proposal would lead to some economic benefits This is likely to be a modest improvement in comparison with the current situation. I can give the economic benefits a limited degree of weight.

*Other considerations*

20. LP Policies SD1 and SS2 are the main policies referred to by the Council that relate to the supply and location of housing. These policies indicate that Sparkford is a 'Rural Settlement' where development is strictly controlled. However the Council accepts that it cannot demonstrate a 5 year supply of deliverable housing sites. In these circumstances, the NPPF explains that policies for the supply of housing should not be considered up to date. It is also explained at paragraph 14 that the presumption in favour of sustainable development means granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted. The economic, social and environmental dimensions of sustainable development are set out at paragraph 7 of the NPPF.
21. Policy SS5 of the LP directs most housing growth towards Yeovil and market towns as well as providing figures for the required distribution of housing

- across the district. The additional requirement (as at April 2012) for all rural settlements in total, including Sparkford, is 911 dwellings within the plan period with the overall additional requirement for the whole district being 5,822. The LP does not set maximum targets for new homes. The NPPF is clear in seeking to boost significantly the supply of housing and does not encourage maximum targets.
22. The Council refers to the growth targets for the higher order settlements defined as 'rural centres'. Rural centres do have targets within the LP. As an example Stoke-sub-Hamdon is referred to and has a target within the table accompanying LP Policy SS5 of 51 dwellings between 2006 and 2028 (the lowest requirement of those settlements referred to within the table). The Council considers by reference to this figure without providing any more justification, that Sparkford would be expected to accommodate at least a similar figure. Other planning permissions within Sparkford have already added to the commitment of housing development within the settlement.
23. I am aware of the recent allowed appeal on the adjoining land (ref APP/R3325/W/15/3100543) for 11 dwellings. The Council states that there were 276 dwellings in the village as at the 2011 census. The Council is concerned about the degree to which the rural settlement would be expanded with this application by 42% in terms of numbers of residential units including other decisions. This is a substantial increase and I realise that this is a rural village but it is not clear from the evidence presented by the Council why this would be harmful.
24. None of the homes in this case would be limited to affordable or local needs. The evidence from the appellant relating to how affordable homes would work within the site is not convincing. It seems likely that there may be people over 50 years of age who may be in need of affordable housing. I can understand that the type of housing may put off traditional social housing providers due to legal difficulties of mixing the type of occupation and ownership. However alternative ways of delivering affordable housing do not appear to have been considered. The Council's affordable housing officer states that there should be an expectation that 7 of the units would be affordable, 5 for social rent and 2 for shared ownership. The overall affordable housing needs of the district are not explained to back up why those proportions would be expected through this proposal. Although other mobile homes are available elsewhere in the district I am not provided with housing needs data about that type of accommodation from the Council or the appellants.
25. The NPPF at paragraph 50 requires the delivery of a wide choice of high quality homes. This is in order to widen opportunities for home ownership and to create sustainable, inclusive mixed communities. The homes would be limited for occupation by over 50 year olds. It is agreed that this type of housing is not commonplace and it would be a different type of housing in Sparkford. I have no evidence to convince me that it would be harmful to provide for this sector of society wishing to downsize their accommodation which, as the appellant points out, may have the advantage of freeing up some supply of traditional 'bricks and mortar' dwellings elsewhere. The Council confirms that the LP refers to park homes providing a valuable supply of low cost market accommodation. In this respect the age restriction within the UU is necessary, directly related to the development and fairly and reasonably related in scale

and kind to the development. This part of the UU fulfils the CIL and NPPF policy tests.

26. The Council's assertion that the proposed increase in population, even taken cumulatively with other housing commitments, is harmful purely in terms of the statistical growth of the settlement is not demonstrated by the evidence provided. There are no maximum figure for housing growth within the relevant policies. The affordable housing needs of the area are not clarified and the lack of provision for that particular section of the community is a benefit rather than a harmful factor. The proposal does meet a need for older people and that along with the benefits from increasing the general supply of homes is a social benefit of substantial weight in the overall planning balance.

#### *S106 planning obligations*

27. The UU would commit the appellants to paying £2690 per 2 bed mobile home and £1809 per 1 bed mobile home. This is intended to enhance and maintain the changing rooms at Sparkford Cricket Club and/or the maintenance of the community hall as well as to contribute towards a new studio at a theatre in Yeovil or alternatively towards a stage refit within an entertainments complex in Yeovil. The Council has provided a breakdown of how the contributions have been worked out. The proposed improvements to the Cricket Club changing rooms and kitchen relate to existing deficiencies that exist without the additional demands from this development. Similarly the community hall is already of insufficient quality. It is not clear from the evidence why the additional residents would make this situation worse or why therefore the financial contributions for these facilities would be necessary to make the development acceptable.
28. With respect to the theatre and entertainments complex, I would generally expect such facilities to be bolstered by additional prospective customers. The evidence does not help to explain why such facilities would be subject to problems due to an increase in households in the area. Furthermore, the document including the breakdown attempting to justify the contributions under the heading "Theatre and Arts Centres" states that 5 or more obligations have already been entered into. This would therefore not comply with regulation 123 of the Community Infrastructure Levy Regulations 2010.
29. From the evidence submitted, the financial contributions would not address any harm caused by the proposals and are not clearly necessary to make the development acceptable in planning terms. They would not directly relate to the development but rather to demands on those facilities that already exist. As such, to require the payment of money as set out would not fairly and reasonably relate in scale and kind to the development. The CIL tests would not be met. I cannot take the financial commitments into account.
30. The restriction on the age of occupants of the homes does meet the CIL tests. I can take the UU into consideration with respect to that matter and have attributed weight to this within my conclusion on housing supply above.

#### *The planning balance*

31. In my view the proposal would involve more than the limited, strict control over development at Sparkford as set out within LP Policy SS2. It would provide some employment opportunities as well as meeting a housing need.

However, it would not create or enhance community facilities to serve the settlement. Sparkford Parish Council provided comments for and against the proposal with the overall vote being balanced. There are some letters of support but from the information provided, it does not appear that there has been a robust community engagement process. This and the lack of reference to a Neighbourhood Development Plan indicates that there is not general support from the local community. The proposal would not comply with LP policy SS2. However, that policy is not up to date.

32. I have found that supply of homes is a social benefit of significant weight and that the economic benefits provide a limited degree of additional weight in favour of the proposal. By helping to provide a mix of market housing within the settlement the proposal would contribute to the provision of a sustainable, balanced community complying with LP policy HG5. The accessibility of the site is a neutral factor. In terms of the overall planning balance, the harm due to the lack of compliance with LP Policy SS2 does not significantly and demonstrably outweigh these benefits given the substantial weight I must give to compliance with the NPPF as well as LP Policies SD1 and HSG5.

### **Conditions**

33. I have already mentioned the need for a scheme to mitigate for the noise from the A303 and I have attached a planning condition to that effect. Some concern has been expressed regarding drainage problems. There is no evidence that the proposal would cause flooding on site or elsewhere but that is subject to foul and surface water being adequately dealt with. It is reasonable to require additional details to be agreed by the Council and installed before the development is implemented.
34. It would be unnecessary to duplicate the age restriction of occupants of the homes that is covered within the UU. In terms of suggested condition relating to highway matters, there is a gentle slope from the edge of the carriageway along the driveway into the site. The access is onto the road at a straight section with no obstructions to visibility of pedestrians along the footpath or cars within the road. Taking these factors into account and that the nature of vehicles will change with fewer vehicles towing caravans into and out of the site, I do not consider that the access needs to be subject to improvements as suggested by the Council.

### **Conclusion**

35. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*A Harwood*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: '01/07/00'; '01/07/01A' and '01/07/02C'.
- 3) None of the mobile homes hereby permitted shall be occupied until a scheme for the protection of the residents from traffic noise from the A303 has been submitted to, approved in writing by the local planning authority and then fully implemented. All works which form part of the scheme shall be retained thereafter.
- 4) None of the mobile homes hereby permitted shall be occupied until works for the disposal of sewage and surface water disposal have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.